

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KHOKAR SHUJAUDIN, <i>et al.</i>	:	CIVIL ACTION
<i>Plaintiffs</i>	:	
	:	
v.	:	NO. 19-0876
	:	
BERGER BUILDING PRODUCTS, INC., <i>et al.</i>	:	
<i>Defendants</i>	:	

ORDER

AND NOW, this 18th day of April 2023, upon consideration of Defendant The Heim Group’s (“Heim”) *motion for summary judgment*, [ECF 122], Plaintiff Khokar Shujauddin’s (“Plaintiff”) response in opposition, [ECF 126], and Heim’s reply, [ECF 134], and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the motion is **GRANTED**, *in part*, and **DENIED**, *in part*, as follows:

1. The motion for summary judgment is **DENIED** as to Plaintiff’s claim against Heim for strict liability based on a design defect;
2. The motion for summary judgment is **DENIED** as to Plaintiff’s claim against Heim for negligence based on a design defect;
3. The motion for summary judgment is **GRANTED** as to Plaintiff’s claim against Heim for strict liability based on failure to warn;
4. The motion for summary judgment is **GRANTED** as to Plaintiff’s claim against Heim for negligence based on failure to warn; and
5. The motion for summary judgment is **GRANTED** as to Plaintiff’s claims against Heim for breach of the implied warranties of merchantability and fitness for a particular purpose.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court